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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,050	03/11/2004	Alexander Medvinsky	BCS03166	4973

27774 7590 10/19/2007

MAYER & WILLIAMS PC
251 NORTH AVENUE WEST
2ND FLOOR
WESTFIELD, NJ 07090

EXAMINER	
LIU, LIN	

ART UNIT	PAPER NUMBER
2145	

MAIL DATE	DELIVERY MODE
10/19/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/798,050	MEDVINSKY ET AL.	
	Examiner	Art Unit	
	Lin Liu	2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 March 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-26* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *11 March 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *11 March 2004*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This office action is responsive to communications filed on 03/11/2004.

Claims 1-26 are pending and have been examined.

2. The information disclosure statement (I.D.S) filed on 03/11/2004 is considered.

Claim Objections

3. Claims 1-26 are objected to because of the following informalities: The numerical part numbers with respect to the drawings recited throughout all of the claims should be removed. For example: "A method (300) for distributing data (25), within a network (11), between a source consumer (50) and a destination consumer (250)...", the numerical numbers in the parentheses should be removed.

Appropriate correction is required.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. **Claims 1-3 and 5-18, 20-21 and 24** are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

With regard to **claim 1,** the instant claim is drawn towards a method for distributing data within a network between a source and destination consumers. For a method claim to be found statutory, it must have a useful, concrete, and tangible result. In this case, the result of the instant claim is "*arranging* for transfer of the data... and

use of the data...". This result is useful and concrete, but is not tangible. For a result to be tangible, it must have some real-world impact or be available for use outside of the system. *Arranging* for transfer and use of the data is merely managing the data without storing or displaying that data management, which means that the *arranging* of the data is never used or presented. Dependent claims 2-3, 5-18 are rejected under the same reason.

With regard to **claim 20,** the instant claim is directed toward a system for distributing data within a network between a source and destination consumers with a network communications interface and an information processing system, wherein the network communications interface and the information processing system can be implemented in software alone (See, specification, pages 6-7, paragraphs 22-24. It is noted that the interface and the information processing system are computer program). Claims directed toward software alone refer to functional descriptive material, which is per se non-statutory. Dependent claims 21 and 24 are rejected under the same reason.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 1-7, 9-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Nakano et al. (PGPUB: US 2004/0196981 A1)** in view of **Nagel et al. (Patent no.: US 7,181,017 B1).**

With respect to **claim 1,** Nakano teaches a method for distributing data, within a network, between a source consumer and a destination consumer, the data originating from, and protected by predetermined intellectual property rights of, a third party (Nakano, Figures, 14-15); the method comprising:

specifying a first access condition associated with the data, the access condition based on the predetermined intellectual property rights (Nakano: fig. 14, page 7, paragraph 108, and page 8, paragraphs 119-120. It is noted that the user purchases the access tickets from the electronic ticket management server 11.);

based on a request requesting transfer of the data from the source consumer to the destination consumer, and based on a service ticket issued by an authority associated with the source consumer, arranging for authentication of the destination consumer (Nakano: fig. 14, pages 7-8, paragraphs 111-112, and page 8-9, paragraphs 124-134. It is noted that the Certificate authority server verifies the user's electronic signature and issues the ticket to the user terminal.); and

after authentication of the destination consumer, based on a second access condition issued by an authority associated with the source consumer (Nakano: page 9, paragraphs 135-137. Noted the access encryption key for the distribution server.), arranging for transfer of the data, via the network, from the source consumer to the destination consumer (Nakano: page 8, paragraph 114, and page 9, paragraph 139. It is

noted that the content distribution server distributes the content to the user terminal over the network),

use of the data by the destination consumer restricted in a manner specified by the first and second access conditions (Nakano: page 9, paragraph 146. It is noted that only the user terminal 12 with the access encryption key is permit to use the data.).

However, Nakano does not explicitly teach a method of transferring of the data via the network in a peer-to-peer manner.

In the same field of endeavor, Nagel teaches a method of distributing data from a hosting server to users in a peer-to-peer manner (Nagel: col. 15, lines 53-62.).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate the method of distributing data from a hosting server to users in a peer-to-peer manner as taught by Nagel in Nakano's invention in order to for other user seeking information can communicate with each other to transfer the information and thus reduce the need for redundant new servers (Nagel: col. 15, lines 56-62).

With respect to **claim 2,** Nakano teaches the method according to claim 1, wherein the first access condition is further based on consumer characteristics associated with the destination consumer (Nakano: fig. 3, page 7, paragraphs 108-109).

With respect to **claim 3,** Nakano teaches the method according to claim 2, wherein the consumer characteristics comprise one of a destination consumer domain name, or destination consumer device identity (Nakano: fig. 3, paragraphs 108-109, and page 9, paragraph 140, noted the content player.).

With respect to **claim 4,** Nakano teaches the method according to claim 1, further comprising the steps of:

based on the service ticket, authenticating the destination consumer (Nakano: fig. 14, page 8-9, paragraphs 124-134); and

based on the first and second access conditions, transferring the data via the network, from the source consumer to the destination consumer (Nakano: page 8, paragraph 114, and page 9, paragraph 139).

However, Nakano does not explicitly teach a method of transferring of the data via the network in a peer-to-peer manner.

In the same field of endeavor, Nagel teaches a method of distributing data from a hosting server to users in a peer-to-peer manner (Nagel: col. 15, lines 53-62.).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate the method of distributing data from a hosting server to users in a peer-to-peer manner as taught by Nagel in Nakano's invention in order to for other user seeking information can communicate with each other to transfer the information and thus reduce the need for redundant new servers (Nagel: col. 15, lines 56-62).

With respect to **claim 5,** Nakano teaches the method according to claim 1, further comprising:

arranging for creation of a content license by the destination consumer based on the first and second access conditions (Nakano: page 9, paragraphs 132-136, 146, noted the access encryption key permits the user to use the content data.).

With respect to **claim 6,** Nakano teaches the method according to claim 5, wherein the use of the data by the destination consumer is restricted in a manner specified in the content license (Nakano: page 9, paragraph 146.).

With respect to **claim 7,** Nakano teaches the method according to claim 1, wherein the network comprises the Internet (Nakano: fig. 1, page 5, paragraph 86).

With respect to **claim 9,** Nakano teaches the method according to claim 1, wherein the step of arranging for authentication of the destination consumer comprises arranging for authentication of a gateway device associated with the destination consumer (Nakano: figures 9 and 14, page 7, paragraph 104 and page 9, paragraphs 132-136).

With respect to **claim 10**, Nakano teaches all the claimed limitations, except that he does not explicitly teach a method of prior to arranging for transfer of the data, encrypting the data.

In the same field of endeavor, Nagel teaches a method encrypting the data prior to transferring the data to the user (Nagel: col. 23, lines 3-61.).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate the method of encrypting the data prior to transferring the data to the user as taught by Nagel in Nakano's invention in order to prevent unauthorized access from any party other than the legitimate user terminal.

With respect to **claim 11**, Nakano teaches all the claimed limitations, except that he does not explicitly teach a method of forming ciphertext based on the data and an encryption key, according to a predetermined encryption routine.

In the same field of endeavor, Nagel teaches a method of forming ciphertext based on the data and an encryption key, according to a predetermined encryption routine (Nagel: col. 23, lines 3-61).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate the method of encrypting the data prior to transferring the data to the user as taught by Nagel in Nakano's invention in order to prevent unauthorized access from any party other than the legitimate user terminal.

With respect to **claim 12,** Nakano teaches the method according to claim 10, further comprising: authenticating the data, after the data has been transferred (Nakano: page 9, paragraph 139.).

With respect to **claim 13,** Nakano teaches the method according to claim 1, wherein the access condition is based on a content license from a provider of the data (Nakano, page 9, paragraphs 135-136, 146.).

With respect to **claim 14,** Nakano teaches the method according to claim 13, wherein the content license is located at the source consumer (Nakano, page 9, paragraphs 135-136, 146.).

With respect to **claim 15,** Nakano teaches the method according to claim 1, wherein the service ticket had been obtained with a ticket granting server request/reply exchange between the destination consumer and a key distribution center associated with the source consumer, and authenticated using a ticket granting ticket encrypted with a cross-realm key (Nakano: fig. 14, pages 7-8, paragraphs 111-112, and page 8-9, paragraphs 124-134).

With respect to **claim 16,** Nakano teaches the method according to claim 15, wherein the step of arranging for authentication of the destination consumer comprises establishing security associations between the key distribution center associated with the source consumer and a key distribution center associated with the destination consumer, using the shared cross-realm key (Nakano: fig. 14, pages 7-8, paragraphs 111-112, and page 8-9, paragraphs 124-134).

With respect to **claim 17,** Nakano teaches the method according to claim 1, wherein the service ticket is obtained based on an authentication server AS request/reply exchange between the destination consumer and a key distribution center associated with the source consumer (Nakano: fig. 14, pages 7-8, paragraphs 111-112, and page 8-9, paragraphs 124-134), and

wherein the destination consumer is authenticated with a digital authentication certificate associated with the destination consumer, the digital authentication certificate including a realm name of the destination consumer (Nakano: paragraphs 111-112).

With respect to **claim 18,** Nakano teaches the method according to claim 1, wherein the step of arranging for transfer of the data comprises arranging for one of streaming, moving and copying of the data (Nakano: page 9, paragraph 139.).

In regard to **claim 19,** the limitations of this claim are substantially the same as those in claim 1, but rather implemented in a computer instruction stored in a computer readable medium form. Therefore the same rationale for rejecting claim 1 is used to reject claim 19. By this rationale **claim 19** is rejected.

In regard to **claim 20,** the limitations of this claim are substantially the same as those in claim 1. Therefore the same rationale for rejecting claim 1 is used to reject claim 20. By this rationale **claim 20** is rejected.

In regard to **claim 21,** the limitations of this claim are substantially the same as those in claim 9. Therefore the same rationale for rejecting claim 9 is used to reject claim 21. By this rationale **claim 21** is rejected.

In regard to **claim 22,** the limitations of this claim are substantially the same as those in claim 19. Therefore the same rationale for rejecting claim 19 is used to reject claim 22. By this rationale **claim 22** is rejected.

With respect to **claim 23,** Nakano teaches the system according to claim 22, wherein the processor is associated with the gateway device (Nakano, fig. 3, page 5, paragraphs 85-86).

With respect to **claim 24,** Nakano teaches the system according to claim 20, wherein the network communications interface is associated with a server accessible to the source consumer via the network (Nakano, fig. 14, page 5, paragraph 90).

In regard to **claim 25,** the limitations of this claim are substantially the same as those in claim 19. Therefore the same rationale for rejecting claim 19 is used to reject claim 25. By this rationale **claim 25** is rejected.

With respect to **claim 26,** Nakano teaches the system according to claim 25, wherein the processor is associated with the server (Nakano, fig. 14, page 5, paragraph 90).

8. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Nakano et al. (PGPUB: US 2004/0196981 A1)** in view of **Nagel et al. (Patent no.: US 7,181,017 B1)** and further in view of **Brezak et al. (PGPUB: US 2002/0150253 A1).**

With respect to **claim 8,** the combined method of Nakano and Nagel teaches all the claimed limitations, but they fail to teach that wherein the destination consumer comprises a set-top box.

In the same field of endeavor, Brezak teaches providing a set-top-box in the user terminal (Brezak: page 2, paragraph 19.).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to integrate the set-top-box as taught by Brezak with the content player in Nakano's invention in order to provide an improved and diversified system environment and configuration to the users (Brezak: page 2, paragraph 19).

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Hur (patent no.: US 7,181,620 B1) discloses a method for providing secure initialization of network devices using a cryptographic key distribution approach.
- Yung (PGPUG: US 2005/0108575 A1) discloses a method for facilitating authenticated communication between authentication realms.
- Berbec et al. (Patent no.: US 6,122,631) discloses dynamic server-managed access control for a distributed file system.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lin Liu whose telephone number is (571) 270-1447. The examiner can normally be reached on Monday - Friday, 7:30am - 5:00pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571) 272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LL

JASON CARDONE
SUPERVISORY PATENT EXAMINER